

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 33032 of 1998

Dated: 03.09.2007

Between:

K. Pattabhi Ramaiah

... Petitioner

AND

The Government of Andhra Pradesh, rep., by its
Principal Secretary, Education Department,
Secretariat Buildings, Hyderabad & others.

... Respondents

Counsel for the petitioner : Sri P.V.S.S.S. Rama Rao

Counsel for the respondent Nos.1-3 : Smt. G. Jhansi

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 33032 of 1998

ORDER:-

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in not granting the increments to the petitioner for the period from January, 1989 to December, 1990 as illegal and contrary to the judgment in Writ Petition No.16640 of 1990 dated 25.07.1991.

The petitioner, who was working as a Lecturer in respondent No.4 College, which is an aided institution, earlier filed Writ Petition No.16640 of 1990 for a direction to continue him in service till he attains the age of 60 years. The said writ petition was allowed by this Court by order dated 25.07.1991. The relevant portion of the order is extracted hereinbelow.

“In view of the above, this writ petition is allowed and there shall be a direction to the respondents to continue the petitioner in service till he attains the age of 60 years with revised U.G.C. scales of pay of 1986 without being subjected to condition 23 of the appendix of G.O.Ms.No.520, Education (UC) Department, dated 15.12.1988. That is to pay, without insisting that he should retire at the age of 58 years.”

The grievance of the petitioner in this writ petition is that though he continued as Lecturer till he attained the age of 60

years, he was denied payment of incremental arrears for the period from January, 1989 to December 1990 (wrongly mentioned as January, 1988 to December, 1990 in the writ petition).

Learned counsel for the petitioner submitted that this action of respondent Nos.1 to 3 in denying the increments, which is a part of the U.G.C. pay scale, is in blatant violation of the order of this Court in Writ Petition 16640 of 1990.

I have perused the averments in the counter-affidavit filed by respondent No.2. It is mentioned in page 2 of the counter-affidavit that after passing of the order by this Court in Writ Petition No.16640 of 1990, instructions were issued to the correspondent of respondent No.4 to implement the orders of this Court and that pay fixation arrears from January, 1989 to September, 1989 amounting to a tune of Rs.10,461/- were paid during March, 1992 and that subsequently the pay of the petitioner was fixed at Rs.3700/- under Career Advancement Scheme (CAS) in the scale of Rs.3700 – 5700 as per G.O.Ms.No.169, Education dated 07.07.1990 and that he was paid arrears accordingly. It was also stated that the petitioner has been paid incremental and pay fixation arrears up to the age of 58 years. It is further stated at page 3 that on 31.12.1992, the Government issued clarification to the effect that the Lecturers, who attained 58 years of age after 01.01.1986, may be allowed UGC pay scales 1986 till they attain the age of 58 years as the age of superannuation for Lecturers was fixed at 58 years by G.O.Ms.No.520 dated 15.12.1988. It is further averred that further instructions were issued on 22.04.1993

to the effect that the Lecturers, who were continued in the service up to 60 years by virtue of Court orders, were eligible to draw only emoluments, which they draw up to the age of 58 years.

The aforementioned averments contained in the counter-affidavit, in my prima facie view, are in blatant violation of the orders of this Court in Writ Petition No.16640 of 1990. I therefore feel it appropriate to take suo motu cognizance of the contempt committed by respondent Nos.1 to 3 - The Principal Secretary, Education Department, Hyderabad; The Commissioner of Collegiate Education, A.P., Hyderabad and the Regional Joint Director of Higher Education, Guntur are called upon to show cause why contempt proceedings shall not be initiated against them for deliberate and willful violation of order dated 25.07.1991 of this Court in Writ Petition No.16640 of 1990 within a period of two weeks from today.

Accordingly, the writ petition is allowed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 03.09.2007

Note:- Issue copies of this order to all the respondents.

B/o.
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